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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Koji SATO, et al.
Application No. 08/750,641
Filing Date : 16 December 1996
Title : SCHEDULE SETTING AND PROCESSING SYSTEM
Art Unit : Office of Petitions
Examiner : L. Walsh

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF
JUDITH M. RUSSO

I, the undersigned, Judith M. Russo, make this declaration in support of the Renewed Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR § 1.137(b) for the above identified application.

1. From about November 6, 2002, I have been an employee of Kenyon & Kenyon LLP ("Kenyon") in Kenyon's Washington, DC office. My current title is Intellectual Property Support Coordinator.
2. I currently supervise the operation of Kenyon's computerized docketing system for Kenyon's Washington DC office. I am one of over a dozen employees in Kenyon's docketing department.
3. On July 10, 2008, to my recollection, I was consulted by Ingrid Hodge regarding the possible abandoned status of U.S. Patent Application Serial No. 08/750,641 ("641").
4. I have examined the docketing records for '641, and see no evidence that Kenyon received a paper or communication prior to July 2008 indicating that '641 was abandoned. A copy of the docketing report for '641 as of September 15, 2008 is attached as Exhibit 1 to this declaration.

5. As of July 10, 2008, Kenyon's electronic docketing system listed '641 as a pending application and as "PTO lost file-awaiting OA," where "OA" means "Office Action." Kenyon's electronic docketing system indicates that the "PTO lost file-awaiting OA" status was entered into the system on July 15, 2002.

6. A "PTO lost file-awaiting OA" status would appear on various docketing reports, but such a status would not directly prompt the need for action by a prosecuting attorney, as such status makes it clear that Kenyon is awaiting an Office Action from the USPTO.

7. Prior to July 10, 2008, neither the USPTO, nor anyone at Kenyon advised me that '641 had been abandoned.

8. To my knowledge and belief, the entire delay in filing the required reply for '641 from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

I declare that all of the above statements made based on my own knowledge are true and that all of the above statements that were made on information and belief are believed to be true, and further declare that these statements are made with the knowledge that knowing, willful and materially false statements, as are defined under Section 1001 of Title 18 of the United States Code, are punishable by fine, imprisonment, or both under Section 1001, and that such statements may affect the validity of the any patent issuing from '641 if the application is revived.

Dated: 12-10-08

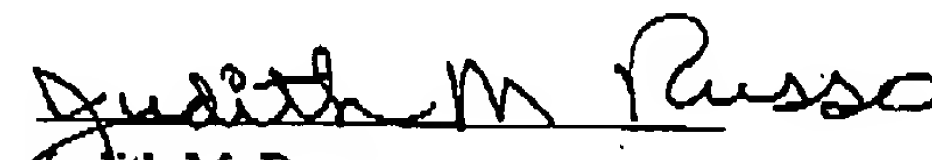

Judith M. Russo

EXHIBIT 1 TO RUSSO DECLARATION

iPSContact
Kenyon & Kenyon

Patent Jacket Data Sheet

S. O'DOWD
DANIEL G. SHANLEY

P25830 USW

Client Ref

Office DC

I. SCHEUGENPFLUG

Title SCHEDULE SETTING AND PROCESSING SYSTEM

Prosecution Particulars				Parties	
Prosecution Status	Live - Pending			Applicant/Regd.	TOYOTA JIDOSHA KABUS
Priority Claimed	8-298290	01-Dec-1994	Japan	Inventor	KIZU, Masakuni
Parent	PCT/JP95/02459	01-Dec-1995	WO	Inventor	MORITA, Makoto
Application	08/750641	01-Dec-1995	US [PCT]	Inventor	SATO, Keji
Filed on		16-Dec-1995		Inventor	YAMASHITA, Masanobu
Publication				Res/Frma	8387 / 229
Allowed					
Grant Fees Paid					
Grant					
Expiry					
Agent	KENYON N.Y.				
Renewal Particulars					
Renewal Status	Pre-Grant				
Annulity					
Next Due					
Next Cost					
Cost Remain Life					
Comm Date	Communication / Action		Due Date	Last Date	Response Filed
16-Dec-1996	30 MONTH NATIONAL PHASE APPLIC		16-Dec-1996	16-Dec-1996	16-Dec-1996
16-Dec-1996	IDS Due		16-Dec-1996	16-Dec-1996	16-Dec-1996
16-Dec-1996	Preliminary Amendment		16-Dec-1996	16-Dec-1996	16-Dec-1996
16-Dec-1996	Recordal		16-Dec-1996	16-Dec-1996	16-Dec-1996
14-Feb-1997	NOTICE OF ACCEPTANCE OF APPLIC				
14-Mar-1997	Filing Receipt				
16-Mar-1997	IDS - suppl IDS		16-Mar-1997	16-Mar-1997	16-Mar-1997
07-May-1997	Recordal		07-May-1997	07-May-1997	07-May-1997
02-Jun-1997	IDS - suppl IDS		02-Jun-1997	02-Jun-1997	02-Jun-1997
27-Jun-1997	IDS - suppl IDS		27-Jun-1997	27-Jun-1997	27-Jun-1997
04-Sep-1998	IDS - suppl IDS		04-Sep-1998	04-Sep-1998	04-Sep-1998
17-Mar-1999	IDS - suppl IDS		17-Mar-1999	17-Mar-1999	17-Mar-1999
12-Oct-1999	Ext of Time Requested		12-Oct-1999	12-Oct-1999	12-Oct-1999
09-Jun-1999	Respond to Official Action		09-Nov-1999	09-Nov-1999	12-Oct-1999
23-Nov-1999	R118 Response to Final Dub		23-Jan-2000	23-Jan-2000	23-Feb-2000
23-Nov-1999	Notice of Appeal Due		23-Feb-2000	23-May-2000	15-Mar-2000
	CPA Appfn. Filed		15-Mar-2000	15-Mar-2000	15-Mar-2000
	Suppl. Info. Disc. State.		15-Mar-2000	15-Mar-2000	15-Mar-2000
06-Sep-2003	Status Inquiry		06-Sep-2003	06-Sep-2003	06-Sep-2003
	File IDS per 11/13/03 agent let		05-Dec-2003	05-Dec-2003	16-Nov-2003
09-Sep-2004	Supplemental IDS Filed		09-Sep-2004	09-Sep-2004	09-Sep-2004
15-Sep-2004	Letter to PTO		15-Sep-2004	15-Sep-2004	15-Sep-2004
06-Aug-2008	Petition Filed		06-Aug-2008	06-Aug-2008	06-Aug-2008
06-Aug-2008	Request Continued Examination		06-Aug-2008	06-Aug-2008	06-Aug-2008
	Advisory Action Received		29-Feb-2000	29-Feb-2000	
	PTO lost file-enrolling OA		16-Jul-2002	15-Jul-2002	
12-Sep-2008	Decision on Petition - Dismissal			12-Sep-2008	

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10-Sep-2008 Response Re Petition due

10-Nov-2008 10-Mar-2009

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